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| APPLICATION NO.    | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------|-------------|----------------------|---------------------|------------------|
| 09/743,522         | 01/08/2001  | Andreas Dobrawa      | 67190/988533        | 3062             |
| 7590               |             | 11/29/2004           | EXAMINER            |                  |
| Kenyon & Kenyon    |             | DONOVAN, LINCOLN D   |                     |                  |
| One Broadway       |             | ART UNIT             |                     |                  |
| New York, NY 10004 |             | PAPER NUMBER         |                     |                  |
|                    |             | 2832                 |                     |                  |

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/743,522

Applicant(s)

DOBRAWA ET AL.

Examiner

Lincoln Donovan

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01-08-01</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castenschiold et al. [US 5,070,252] in view of Maher [US 3,629,744] and DE 4447391C1.

Regarding claims 5-7, Castenschiold et al. disclose a drive unit for switching a circuit breaker on and off comprising:

- a solenoid actuator [76];
- a switching device [figure 1] including two separately drivable and interlocked reversing switches providing control of the operation of the circuit breaker; and
- dynamic magnetically actuated power contactors [figures 16a-16c] having a switching capacity for load switching.

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Castenschiold et al. disclose everything claimed except the specific switching device for the contactors and the use of equalizing capacitors connected in parallel therewith.

Maier discloses a motor operator [70] for a circuit breaker [10] having a pair of relays [figure 6] controlling the direction of the operation of the motor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the motor control design of Maier for the solenoid of Castenschiold et al., in order to improve switching stability.

DE4447391C1 discloses the use of equalizing capacitors in a high power circuit.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use capacitors in the switch of Castenschiold et al., as modified, in order to prevent arcing.

Regarding claim 8, Castenschiold et al., as modified, disclose everything claimed except the specific size of the capacitors.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to size the capacitors in accordance with the anticipated load.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Castenschiold et al., as modified, as applied to claim 5 above, and further in view of DE 3823574.

Castenschiold et al., as modified, disclose everything claimed except the relay circuitry being on a printed circuit board.

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DE 3823574 discloses a motor control circuit being mounted on a printed circuit board.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to mount the circuitry of Castenschiold et al., as modified, on a printed circuit board, as suggested by DE 3823574 in order to provide support for the low voltage components.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Archer et al. [US 3,198,907], Palmer et al. [US 3,794,943] and Dexter [US 3,470,503].

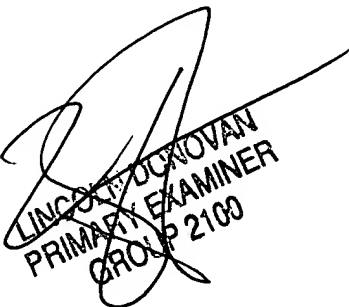
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lincoln Donovan whose telephone number is 571-272-1988. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Idd

  
LINCOLN DUROVAN  
PRIMARY EXAMINER  
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